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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,273	07/11/2001	Michael J. Geile	100.070US27	1262
34206	7590	01/09/2004		
FOGG AND ASSOCIATES, LLC P.O. BOX 581339 MINNEAPOLIS, MN 55458-1339				
			EXAMINER- CUMMING, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 01/09/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/903,273

Applicant(s)

GEILE, ANDERSON, BREDE & KIRSCHT

Examiner

WILLIAM D CUMMING

Art Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 19-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 19-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on October 27, 2003. These drawings are approved.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 2, 3, 19, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, 35, and 36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Bingham, et al.**

**Bingham, et al** discloses a telecommunications system (figure 1) with a multi-carrier transmission scheme that dynamically allocates bandwidth among a plurality of service units (#22). The system comprising a head end (#10) that transmits data over a transmission medium to the service units, the head end (#10) comprising a modem circuit (#10) for narrow band transmission in at least one transmission channel, each transmission channel including a number of subbands (figure 2) having a number of payload channels and a control channel in each subband. A control circuit in the head end (#10) that assigns each service unit to a subband for transmission and receipt of data; and the control circuit is further operable to allocate a payload channel to a service unit in response to a request for a service unit.

The control circuit is operable assign a number of service units (#22) to each subband for selective use of the payload channels in the subband by the service units (#22) so as to increase the number of service units (#22) that can be coupled to the system.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 4, 5, 26 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over **Bingham, et al.**

Regarding a hybrid fiber-coax telecommunication systems and bit errors rates, if applicants do not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant is charged with rebutting the well known statement in the next reply after the Office action in which the well known statement was made. Hence, it would have been obvious to one ordinary skill in the art at the time the claimed invention was made to incorporate the well known use of a hybrid fiber-coax telecommunication systems and bit errors rates in the telecommunication system of Bingham, et al in order to increase the over all bandwidth of the telecommunication system by adding fiber cables and to correct errors during transmission of digital data.

Regarding the head end compromises at least one modem circuit for each transmission channel. A head end compromises at least one modem circuit for each transmission channel is well known in the art, it is called a modem bank. The examiner takes Official Notice as such. Hence, it would have obvious to incorporate the use of the head end compromises at least one modem circuit for each transmission channel in the telecommunication system of Bingham, et al in order to have a large bandwidth and dependable transmission of data.

***Response to Amendment*****7. AMENDMENTS NOW MUST BE SUBMITTED IN REVISED FORMAT**

All amendments received by the Office on or after July 30, 2003 must be in compliance with the rules as required by the Revised Amendment Practice. This practice requires the submission of an amendment document that includes separate sections for amendments to the claims, drawings, specification and abstract, each beginning on a new sheet of paper. If an amendment is received as a preliminary amendment or as a *bona fide* reply under 37 CFR 1.111, that has compliant amendments to one or more separate section(s), but also includes one, or more, separate section(s) with non-compliant amendments, the Office will mail a Notice of Non-Compliant Amendment requiring correction to the non-compliant section(s) within a time period set by the Office. When making corrections, applicant should just resubmit the needed corrected section(s), and correspondingly, should not resubmit the entire amendment document. For example, if the amendment included compliant amendments to the specification and claims, and non-compliant amendments to the drawings, a notice requiring resubmission of compliant amendments to the drawings would be sent. In reply to the notice, applicant should only submit a compliant amendment to the drawings, and not the previously compliant amendments to the specification and claims. If any additional, or further, amendments to the claims are desired, the changes must be made relative to the previous compliant amendment to the claims. The Office will consider both the previous compliant amendment to the claims, and the supplemental compliant amendment to the claims, after the Office receives the compliant amendment to the drawings.

An amendment submitted on or after July 30, 2003 as part of a reply after the close of prosecution (e.g., as a reply under 37 CFR 1.116) that is not compliant with the Revised Amendment Practice will not act to toll the outstanding time period. See 37 CFR 1.135(c). A notice (e.g., an advisory action) may be mailed by the Office specifying which section(s) of the amendment was not in compliance with the Revised Amendment Practice, but no new time period will be given to provide a compliant section.

**REVISED FORMAT OF AMENDMENTS****Begin on separate sheets:**

Each section of an Amendment (e.g., Claim Amendments, Specification Amendments, Remarks) should begin on a separate sheet. *For example*, in an amendment containing a.) introductory comments, b.) amendments to the claims, c.) amendments to the specification, and d.) remarks, each of these sections should begin on a separate sheet. This will facilitate the process of separately indexing and scanning of each part of an amendment document for placement in an electronic file wrapper.

**Two versions of amended part(s) no longer required:**

The current requirement in 37 CFR 1.121(b) and (c) to provide two versions (a clean version and a marked up version) of each replacement paragraph, section, substitute specification or claim will be waived where an amendment is submitted in the following format:

**A) Amendments to the claims:**

Each amendment document that includes a change to an existing claim, or submission of a new claim, **must include a complete listing** of all claims in the application. After each claim number, the status must be indicated in a parenthetical expression, and the text of each claim under examination (with markings to show current changes) must be presented. The listing will serve to replace all prior versions of the claims in the application.

- (1) The current status of all of the claims in the application, including any previously canceled or withdrawn claims, must be given. Status is indicated in a parenthetical expression following the claim number by one of the following: (original), (currently amended), (previously amended), (canceled), (withdrawn), (new), (previously added), (reinstated – formerly claim #\_), (previously reinstated), (re-presented – formerly dependent claim #\_), or (previously re-presented). The text of all pending claims under examination must be submitted each time any claim is amended. Canceled and withdrawn claims should be indicated by only the claim number and status.
- (2) All claims being currently amended must be presented with markings to indicate the changes that have been made relative to the immediate prior version. The changes in any amended claim should be shown by strikethrough (for deleted matter) or underlining (for added matter). An accompanying clean version is not required and should not be presented. Only claims of the status “currently amended” will include markings.
- (3) The text of pending claims not being amended must be presented in clean version, i.e., without any markings. Any claim presented in clean version will constitute an assertion that it has not been changed relative to the immediate prior version.
- (4) A claim may be canceled by merely providing an instruction to cancel. Listing a claim as canceled will constitute an instruction to cancel. Any claims added by amendment must be indicated as (new) and shall not be underlined.
- (5) All of the claims in each amendment paper must be presented in ascending numerical order. Consecutive canceled or withdrawn claims may be aggregated into one statement (e.g. Claims 1 – 5 (canceled)).

**Example of listing of claims:**

Claims 1-5 (canceled)

Claim 6 (withdrawn)

Claim 7 (previously amended): A bucket with a handle.

Claim 8 (currently amended): A bucket with a ~~green~~ blue handle.

Claim 9 (withdrawn)

Claim 10 (original): The bucket of claim 8 with a wooden handle.

Claim 11 (canceled)

Claim 12 (new): A bucket with plastic sides and bottom.

Claim 13 (previously added): A bucket having a circumferential upper lip.

Claim 14 (re-presented – formerly claim 11): A black bucket with a wooden handle.

**B) Amendments to the specification:**

Amendments to the specification may be made by presenting a replacement paragraph, section or substitute specification marked up to show changes made relative to the immediate prior version. An accompanying clean version is not required and should not be presented.

**C) Amendments to drawing figures:**

Drawing changes may be made by presenting replacement figures which incorporate the proposed changes and which comply with § 1.84. An explanation of the changes made must be presented in the remarks section of the amendment. If the changes to the drawing figure(s) are not approved by the examiner, applicant will be informed in the next Office action. Any replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing should not be labeled as “amended.”

Any questions regarding the submission of amendments pursuant to the revised practice set forth in this flyer should be directed to the following legal advisors in the Office of Patent Legal Administration (OPLA): Elizabeth Dougherty ([Elizabeth.Dougherty@uspto.gov](mailto:Elizabeth.Dougherty@uspto.gov)), Gena Jones ([Eugenia.Jones@uspto.gov](mailto:Eugenia.Jones@uspto.gov)) or Joe Narcavage ([Joseph.Narcavage@uspto.gov](mailto:Joseph.Narcavage@uspto.gov)). For information on the waiver or legal aspects of the prototype, please contact Jay Lucas ([Jay.Lucas@uspto.gov](mailto:Jay.Lucas@uspto.gov)), Senior Legal Advisor (PCTLA) or Rob Clarke ([Robert.Clarke@uspto.gov](mailto:Robert.Clarke@uspto.gov)), Senior Legal Advisor (OPLA). Alternatively, further information may be obtained by calling OPLA at (703) 305-1616.

***Response to Arguments***

8. Applicants' arguments with respect to claims 2-5 and 19-35 have been considered but are moot in view of the new grounds of rejection.



### ***Conclusion***

#### **9. Patent Customers Advised to FAX Communications to USPTO**

Facsimile transmissions of communications to the Office can significantly expedite processing of the communication within the Office. For example, when an assignment document is faxed to the Office, the average cycle time to process, record, and send a notice of recordation is one calendar day, whereas when the document is mailed to the Office, the average cycle time is 113 calendar days. See Status of Office of Public Records Services, 1269 Off. Gaz. Pat. Office 19,20 (April 1, 2003).

With many of the facsimile numbers provided below (i.e., those numbers below with 746 or 872 after the area code in the facsimile number), a return receipt will be automatically generated that will include the number of pages received as well as the date and time the facsimile was received. Additionally, the return receipt will include an image of the received cover page. The return receipt will be automatically sent to the sender's facsimile machine so long as the sender's facsimile number is properly programmed in the sending facsimile machine, and the sender's facsimile machine is available to receive a fax immediately following the original transmission. (Note that with area code changes, or with movement of a facsimile machine from one number to another, the facsimile machine's number may need to be reprogrammed.) Even if a return receipt is not desired, at least the first page of the facsimile transmission must clearly indicate the date and time the transmission is sent, an identification of the business, other entity, or individual sending the transmission, and the telephone number of the sending machine or of such business, other entity, or individual. See 47 U.S.C. 227(d)(1)(B) and 47 CFR 68.318(d). A return receipt will be attempted to be sent several times, but if a busy signal is repeatedly received, a return receipt will not be received by the sender. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to an Office action by facsimile (see 37 CFR 1.6 and 1.8). Applicants are also advised to retain the return receipt in the event that the Office has no record of the facsimile submission.

PTO Form 2038 should be used when authorizing payment by credit card; this form is maintained separate from the file to ensure confidentiality. Note that current processing of assignment documents

now permits use of a credit card, but that PTO form 2038 should be used to prevent credit card information from being included in public records. Form PTO-2038 may be downloaded at <http://www.uspto.gov/web/forms/2038.pdf> from the USPTO website.

#### Faxes to the Office of Initial Patent Examination

Responses to notices from the Office of Initial Patent Examination (OIPE) and requests for corrected filing receipts may be filed by facsimile. New applications (other than continued prosecution applications (CPAs) under 37 CFR 1.53(d)) may not be filed by facsimile. The following is a list of Official Facsimile Numbers for the OIPE:

Fax number for corrected Filing Receipt Requests: 703-746-9195  
Fax number for Response to Notice to File  
Missing Parts (drawings may not be submitted by fax): 703-746-4060  
Telephone number for Customer Service: 703-308-1202

#### Faxes to the Technology Centers

In addition, communications may be faxed to the Technology Centers. The following is a list of Official Facsimile Numbers for the Technology Centers:

TC1600:  
Before Final: 703-872-9306  
After Final: 703-872-9307  
Customer Service: 703-872-9305  
Telephone number for customer service: (703) 308-0198

TC2800:  
Before Final: 703-872-9318  
After Final: 703-872-9319  
Customer Service: 703-872-9317  
Telephone number for customer service: (703)306-3329

TC1700:  
Before Final: 703-872-9310  
After Final: 703-872-9311  
Customer Service: 703-872-9309  
Telephone number for customer service: (703)306-5665

TC2900:  
Before Final: 703-872-9322  
After Final: 703-872-9323  
Customer Service: 703-872-9321  
Telephone number for customer service: (703)306-5648

Art Unit: 2683 1/6/2004 3:00 AM

Non-Final Rejection

**TC2100:**

**Before Final: 703-746-7239**

**After Final: 703-746-7238**

**Customer Service: 703-746-7240**

**Telephone number for customer  
service: (703)306-5631**

**TC3600:**

**Before Final: 703-872-9326**

**After Final: 703-872-9327**

**Customer Service: 703-872-9325**

**Telephone number for customer  
service: (703)306-5771**

**TC2600:**

**Before Final: 703-872-9314**

**After Final: 703-872-9315**

**Customer Service: 703-872-9313**

**Telephone number for customer  
service: (703)306-0377**

**TC3700:**

**Before Final: 703-872-9302**

**After Final: 703-872-9303**

**Customer Service: 703-872-9301**

**Telephone number for customer  
service: (703)306-5648**

**Faxes to the Office of Patent Publication**

Patent applicants are also reminded that 37 CFR 1.6(d) permits payment of an issue fee and a publication fee (if required) by facsimile transmission. When drawings are submitted with payment of an issue fee, they may be submitted by facsimile, although applicants are reminded that the facsimile process may reduce the quality of the drawings, and the Office will generally print the drawings received.

The applicable telephone numbers for payment of the issue and/or publication fee(s) by facsimile transmission are as follows:

**Fax number for Issue Fee**

**(and any Publication Fee) Payments: (703) 746-4000**

**Telephone number to check on receipt**

**of payment (with Office of Patent Publication): (703) 305-8283**

The Office of Patent Publication also handles many matters related to publication of patent applications. For example, express abandonments under 37 CFR 1.138(c) are handled by the Pre-Grant Publication Division of the Office of Patent Publication. In addition, requests to rescind a nonpublication request and notices of foreign filing should be directed to the Pre-Grant Publication Division. Questions regarding publication of patent applications (or rescissions of nonpublication requests) may also be directed by e-mail to [pgpub@uspto.gov](mailto:pgpub@uspto.gov).

Fax number for PGPUB correspondence: (703) 305-8568

Telephone number for the Pre-Grant Publication Division: (703) 605-4283

#### Faxes of Assignment Documents

Facsimile transmission to record an assignment or other documents affecting title is also accepted. This process allows customers to submit their documents directly into the automated Patent and Trademark Assignment System and receive the resulting recordation notice at their fax machine. Credit card payments to record assignment documents are now accepted, but use of the credit card form (PTO Form-2038) is required for the credit card information to be separated from the assignment records. Only documents with an identified patent application or patent number, a single cover sheet to record a single type of transaction, and the fee paid by a USPTO deposit account or credit card may be submitted via facsimile. Please refer to our Web Site, at <http://www.uspto.gov/web/offices/ac/ido/opr/ptasfax.pdf> for more information regarding the submission of assignment documents via facsimile.

Fax number for Automated Patent  
and Trademark Assignment system: 703-306-5995

Telephone number for Assignment  
Division for assistance: 703-308-9723

#### Faxes to the Office of Petitions

Applicable correspondence may be submitted to the Office of Petitions via facsimile. For questions concerning Petitions, contact the Office of Petitions at the numbers below:

Fax number for the Office of Petitions: 703-308-6916

Telephone number for customer service and inquiries: 703-305-9282

10. If applicants wish to request for an interview, an *"Applicant Initiated Interview Request"* form (PTOL-413A) should be submitted to the examiner prior to the interview in order to permit the examiner to prepare in advance for the interview and to focus on the issues to be discussed. This form should identify the participants of the interview, the proposed date of the interview, whether the interview will be personal, telephonic, or video conference, and should include a brief description of the issues to be discussed. A copy of the completed *"Applicant Initiated Interview Request"* form should be attached to the Interview Summary form, PTOL-413 at the completion of the interview and a copy should be given to applicant or applicant's representative.

**11. SPECIAL MAIL STOPS FOR PATENT MAIL**

**Effective May 1, 2003, the United States Patent and Trademark Office has a new address for some mail. See Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003). The mail stop should generally appear as the first line in the address, but the term "Mail Stop" may be abbreviated "MS". Special mail stop designations should be used to allow forwarding of particular types of mail to the appropriate areas as quickly as possible. Such mail may be forwarded to the appropriate area without being opened. Only the specified type of document should be placed in an envelope addressed to one of these special mail stops. If any documents other than the specified type identified for each special mail stop are addressed to that mail stop, they will be significantly delayed in reaching the appropriate area for which they are intended.**

Some correspondence may only be submitted via the Office's electronic filing system (EFS). Instructions on how to file and what can be filed via EFS are posted on the Office's Internet Web site <http://www.uspto.gov> under the Electronic Business Center section.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please address mail to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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2011 South Clark Place  
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Arlington, VA 22202

<b>Mail Stop Designations</b>	<b>Explanation</b>
Mail Stop 12	Contributions to the Examiner Education Program.
Mail Stop 313(c)	Petitions under 37 CFR 1.313(c) to withdraw a patent application from issue after payment of the issue fee and any papers associated with the petition, including papers necessary for a continuing application or a request for continued examination (RCE).
Mail Stop AF	Amendments and other responses after final rejection, other than an appeal brief.
Mail Stop Appeal Brief- Patents	For appeal briefs under 37 CFR 1.192 or reply briefs under 37 CFR 1.193(a).
Mail Stop Application Number	For fee and petitions under 37 CFR 1.182 to obtain Mail Stop Designation received and/or application number for patent applications prior to the Office's standard notification (return post card or the official "Filing Receipt," "Notice to File Missing Parts," or "Notice of Incomplete Application").
Mail Stop Comments- Patents	Public comments regarding patent related regulations and procedures.
Mail Stop Conversion	Requests under 37 CFR 1.53(c)(2) to convert a nonprovisional application to a provisional application and requests under 37 CFR 1.53(c)(3) to convert a provisional application to a nonprovisional application.
Mail Stop CPA	Requests for Continued Prosecution Applications (CPA's) under 37 CFR 1.53(d).
Mail Stop DD	Disclosure Documents or materials related to the Disclosure Document Program.
Mail Stop Design	The filing of all design patent applications that do not request expedited examination under 37 CFR 1.55.

Mail Stop EBC	Mail for the Electronic Business Center
Mail Stop ILS	Correspondence relating to international patent classification, exchanges and standards.
Mail Stop Expedited Design	Only to be used for the initial filing of design applications accompanied by a request for expedited examination under 37 CFR 1.155. (Design applicants seeking expedited examination may alternatively file a design application and corresponding request under 37 CFR 1.155 by hand-delivering the application papers and request directly to the Design Group Director's office.)
Mail Stop Issue Fee	All communications following the receipt of a PTOL-85, "Notice of Allowance and Fee(s) Due," and prior to the issuance of a patent should be addressed to Mail Stop Issue Fee, unless advised to the contrary. Issue fee payments can also be faxed to (703)746-4000. Assignments are the exception. Assignments (with cover sheets) should be faxed to (703)306-5995 or submitted in a separate envelope and be sent to Mail Stop Assignment Recordation Services, Director - US Patent and Trademark Office as shown below.
Mail Stop Missing Parts	Reply to the Notice to File Missing Parts of Application and associated papers and fees. Note that such correspondence may also be faxed to: 703-746-4060.
Mail Stop MPEP	Submissions concerning the Manual of Patent Examining Procedure.
Mail Stop Non-Fee Amendment	Non-fee amendments to patent applications. (Use Mail Stop AF for replies after final rejection.)
Mail Stop Patent Application	New patent applications and associated papers and fees.
Mail Stop Patent Ext.	Applications for patent term extension and any communications relating thereto.
Mail Stop Petition	Petitions to be decided by the Office of Petitions including petitions to revive and petitions to accept late payment of issue fees or maintenance fees.
Mail Stop PGPUB	Correspondence regarding publication of patent applications not otherwise provided, including requests for early publication made after filing, rescission of non-publication request, corrected patent application publication, refund of publication fee.
Mail Stop PGPUB - ABD	Petitions under 37 CFR 1.138 to expressly abandon an application to avoid publication of the application.
Mail Stop PGPUB Drawings	Drawings to be included in a patent application publication (replacement drawings for drawings included with a patent application on filing).
Mail Stop PCT	Mail related to applications filed under the Patent Cooperation Treaty.

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Non-Final Rejection

Mail Stop Provisional Patent Application	The filing of all provisional patent applications and any communications relating thereto.
Mail Stop RCE	Requests for continued examination under 37 CFR 1.114.
Mail Stop Reconstruction	Correspondence pertaining to the reconstruction of lost patent files.
Mail Stop <i>Ex Parte</i> Reexam	Requests for Reexamination for original request papers <b>only</b> .
Mail Stop <i>Inter Partes</i> Reexam	Requests for <i>Inter Partes</i> Reexamination for <i>original</i> request papers and for all <i>subsequent</i> correspondence other than correspondence to the Office of the Solicitor (see 37 CFR §§ 1.1(a)(3) and 1.302(c)).
Mail Stop Reissue	All new and continuing reissue application filings.
Mail Stop Sequence	Submission of diskette for applications with sequence listings.

**ADDRESS FOR TRADEMARK MAIL**

The box designations previously listed in Trademark Manual of Examining Procedure, Section 305.01 are no longer in use. See Change of Address for Mailing Trademark Correspondence, which is posted on the USPTO Internet web site at: <http://www.uspto.gov/web/trademarks/tmmailingaddressnotice.htm>. Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

**SPECIAL MAIL STOPS APPLICABLE TO BOTH PATENT AND TRADEMARK MAIL**

The following special mail stop designations are applicable to both patent and trademark related mail, and the recommendations for "Special Mail Stops for Patent Mail" (above) should be followed for the types of mail listed below.

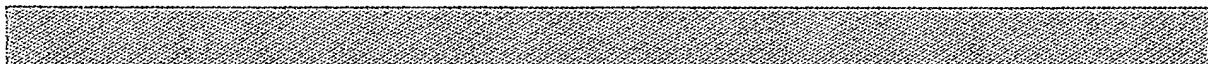
Please address mail to be directed to a mail stop identified below to be delivered by the United States Postal Service (USPS) as follows (unless otherwise instructed):

Mail Stop \_\_\_\_\_  
Director of the US Patent and  
Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

Mail Stop Designations	Explanation
Mail Stop 3	Mail for the Office of Personnel from NFC
Mail Stop 6	Mail for the Office of Procurement.



Mail Stop 8	All papers for the Office of the Solicitor except communications relating to pending litigation and disciplinary proceedings; papers relating to pending litigation in court cases shall be mailed only to Office of the Solicitor, PO Box 15667, Arlington, VA 22215 and papers related to pending disciplinary proceedings before the Administrative Law Judge or the Director shall be mailed only to the Office of the Solicitor, PO Box 16116, Arlington, VA 22215.
Mail Stop 11	Mail for the Electronic Ordering Service (EOS).
Mail Stop 13	Mail for the Employee and Labor Relations Division.
Mail Stop 16	Mail related to refund requests.
Mail Stop 17	Invoices directed to the Office of Finance.
Mail Stop 24	Mail for the Inventor's Assistance Program, including complaints about Invention Promoters.
Mail Stop 171	Vacancy Announcement Applications.
Mail Stop Assignment Recordation Services	All assignment documents, security interests, and other documents to be recorded in the Assignment records. Note that documents with cover sheets faxed to (703)306-5995 are processed much more quickly than those submitted by mail.
Mail Stop Congressional Relations	Mail for the Office of Congressional Relations.
Mail Stop Document Services	All requests for certified or uncertified copies of patent or trademark documents.
Mail Stop EEO	Mail for the Office of Civil Rights.
Mail Stop Enforcement	Mail for the Office of Enforcement.
Mail Stop Interference	Communications relating to interferences and applications and patents involved in interference.
Mail Stop International Relations	Mail for the Office of International Relations.
Mail Stop M Correspondence	Correspondence related to maintenance fees other than payments of maintenance fees in patents. See below for the address for maintenance fee payments.
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**Maintenance Fee Payments**

Payments of maintenance fees in patents not submitted electronically over the Internet at [www.uspto.gov](http://www.uspto.gov) should be mailed to:

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Questions regarding the information provided on this page should be directed to: Darnell Jayne, Legal Advisor in the Office of Patent Legal Administration, by telephone at (703) 308-6906 or by e-mail addressed to [Darnell.Jayne@USPTO.gov](mailto:Darnell.Jayne@USPTO.gov).

**12. Notice of Office Plan to Cease Supplying Copies of Cited U.S. Patent References With Office Actions, and Pilot to Evaluate The Alternative of Providing Electronic Access to Such U.S. Patent References**

**Summary**

The United States Patent and Trademark Office (Office or USPTO) plans in the near future to: (1) cease mailing copies of U.S. patents and U.S. patent application publications (US patent references) with Office actions except for citations made during the international stage of an international application under the Patent Cooperation Treaty and those made during reexamination proceedings; and (2) provide electronic access to, with convenient downloading capability of, the US patent references cited in an Office action via the Office's private Patent Application Information Retrieval (PAIR) system which has a new feature called "E-Patent Reference." Before ceasing to provide copies of U.S. patent references with Office actions, the Office shall test the feasibility of the E-Patent Reference feature by conducting a two-month pilot project starting with Office actions mailed after December 1, 2003. The Office shall evaluate the pilot project and publish the results in a notice which will be posted on the Office's web site ([www.USPTO.gov](http://www.USPTO.gov)) and in the Patent Official Gazette (O.G.). In order

to use the new E-Patent Reference feature during the pilot period, or when the Office ceases to send copies of U.S. patent references with Office actions, the applicant must: (1) obtain a digital certificate from the Office; (2) obtain a customer number from the Office, and (3) properly associate applications with the customer number. The pilot project does not involve or affect the current Office practice of supplying paper copies of foreign patent documents and non-patent literature with Office actions. Paper copies of references will continue to be provided by the USPTO for searches and written opinions prepared by the USPTO for international applications during the international stage and for reexamination proceedings.

#### **Description of Pilot Project to Provide Electronic Access to Cited U.S. Patent References**

On December 1, 2003, the Office will make available a new feature, E-Patent Reference, in the Office's private PAIR system, to allow more convenient downloading of U.S. patents and U.S. patent application publications. The new feature will allow an authorized user of private PAIR to download some or all of the U.S. patents and U.S. patent application publications cited by an examiner on form PTO-892 in Office actions, as well as U.S. patents and U.S. patent application publications submitted by applicants on form PTO/SB08 (1449) as part of an IDS. The retrieval of some or all of the documents may be performed in one downloading step with the documents encoded as Adobe Portable Document format (.pdf) files, which is an improvement over the current page-by-page retrieval capability from other USPTO systems.

#### **Steps to Use the New E-Patent Reference Feature During the Pilot Project and Thereafter**

Access to private PAIR is required to utilize E-Patent Reference. If you don't already have access to private PAIR, the Office urges practitioners, and applicants not represented by a practitioner, to take advantage of the transition period to obtain a no-cost USPTO Public Key Infrastructure (PKI) digital certificate, obtain a USPTO customer number, associate all of their pending and new application filings with their customer number, install no-cost software (supplied by the Office) required to access private PAIR and E-Patent Reference feature, and make appropriate arrangements for Internet access. The full instructions for obtaining a PKI digital certificate are available at the Office's Electronic Business Center (EBC) web page at: <<http://www.uspto.gov/ebc/downloads.html>>. Note that a notarized signature will be required to obtain a digital certificate.

To get a Customer Number, download and complete the Customer Number Request form, PTO-SB125, at:

<http://www.uspto.gov/web/forms/sb0125.pdf>. The completed form can then be transmitted by facsimile to the Electronic Business Center at (703) 308-2840, or mailed to the address on the form. If you are a registered attorney or patent agent, then your registration number must be associated with your customer number. This is accomplished by adding your registration number to the Customer Number Request form. A description of associating a customer number with an application is described at the EBC web page at: [http://www.uspto.gov/ebc/registration\\_pair.html](http://www.uspto.gov/ebc/registration_pair.html).

The E-Patent Reference feature will be accessed using a new button on the private PAIR screen. Ordinarily all of the cited U.S. patent and U.S. patent application publication references will be available over the Internet using the Office's new E-Patent Reference feature. The size of the references to be downloaded will be displayed by E-Patent Reference so the download time can be estimated. Applicants and registered practitioners can select to download all of the references or any combination of cited references. Selected references will be downloaded as complete documents as Adobe Portable Document Format (.pdf) files. For a limited period of time, the USPTO will include a copy of this notice with Office actions to encourage applicants to use this new feature and, if needed, to take the steps outlined above in order to be able to utilize this new feature during the pilot and thereafter.

During the two-month pilot, the Office will evaluate the stability and capacity of the E-Patent Reference feature to reliably provide electronic access to cited U.S. patent and U.S. patent application publication references. While copies of U.S. patent and U.S. patent application publication references cited by examiners will continue to be mailed with Office actions during the pilot project, applicants are encouraged to use the private PAIR and the E-Patent Reference feature to electronically access and download cited U.S. patent and U.S. patent application publication references so the Office will be able to objectively evaluate its performance. The public is encouraged to submit comments to the Office on the usability and performance of the E-Patent Reference feature during the pilot. Further, during the pilot period registered practitioners, and applicants not represented by a practitioner, are encouraged to experiment with the feature, develop a proficiency in using the feature, and establish new internal processes for using the new access to the cited U.S. patents and U.S. patent application publications to prepare for the anticipated cessation of the current Office practice of supplying copies of such cited

Reference feature during its evaluation of the pilot.

### **Comments**

Comments concerning the E-Patent Reference feature should be in writing and directed to the Electronic Business Center (EBC) at the USPTO by electronic mail at [eReference@uspto.gov](mailto:eReference@uspto.gov) or by facsimile to (703) 308-2840. Comments will be posted and made available for public inspection. To ensure that comments are considered in the evaluation of the pilot project, comments should be submitted in writing by January 15, 2004.

Comments with respect to specific applications should be sent to the Technology Centers' customer service centers. Comments concerning digital certificates, customer numbers, and associating customer numbers with applications should be sent to the Electronic Business Center (EBC) at the USPTO by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

### **Implementation after Pilot**

**After the pilot, its evaluation, and publication of a subsequent notice as indicated above, the Office expects to implement its plan to cease mailing paper copies of U.S. patent references cited during examination of non provisional applications on or after February 2, 2004;** although copies of cited foreign patent documents, as well as non-patent literature, will still be mailed to the applicant until such time as substantially all applications have been scanned into IFW.

### **For Further Information Contact**

Technical information on the operation of the IFW system can be found on the USPTO website at <http://www.uspto.gov/web/patents/ifw/index.html>.

Comments concerning the E-Patent Reference feature and questions concerning the operation of the PAIR system should be directed to the EBC at the USPTO at (866) 217-9197. The EBC may also be contacted by facsimile at (703) 308-2840 or by e-mail at [EBC@uspto.gov](mailto:EBC@uspto.gov).

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Dickinson, et al** disclose a data transmission and reception system.

**Arnon** discloses a customer premises ADSL signal distribution arrangement.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **WILLIAM D CUMMING** whose telephone number is 703-305-4394. The examiner can normally be reached on Monday-Thursday 12:30pm to 8:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **WILLIAM TROST** can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

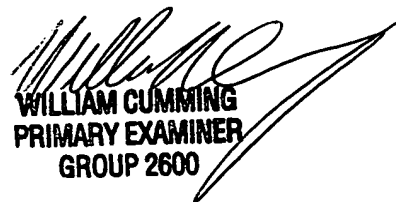
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UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

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